

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In re:

Juan Pablo Valdez

Debtor.

**Case No. 24-12446-JDL
Chapter 13**

**CREDITOR HUMBERTO TREJO’S RESPONSE AND OBJECTION TO
APPLICATION FOR ATTORNEY FEES AND EXPENSES AND NOTICE OF
OPPORTUNITY FOR HEARING AND NOTICE OF HEARING**

* * * * *

INTRODUCTION

Your Creditor Humberto Trejo Dominguez (“Trejo”) objects to providing the debtor’s attorney of record reimbursement of fees and expenses in excess of the presumptive “no look fee”. The burden is the debtor’s attorney to show his services are reasonable. Your Debtor Juan Pablo Valdez (“Valdez”) must show his attorney’s requested fee is reasonable. Valdez’s counsel has attached time entries without explaining how the services are reasonable. Without further explanation, Valdez has failed to provide this Court with sufficient information necessary to perform the detail inquiry necessary to award fees higher than the presumptive “no look fee”. Trejo requests this Court award Valdez’s attorney the presumptive “no look fee” for typical Chapter 13 cases in the Western District of Oklahoma, which is \$4,000, inclusive of retainer. In support Trejo shows the following:

ARGUMENT AND AUTHORITY

Valdez’s attorney of record has not shown sufficient proof demonstrating his requested fees are entirely reasonable. Valdez’s attorney, the fee applicant here, bears the burden to show his services benefitted the bankruptcy estate. **See In re Commercial Fin. Servs.**, 427 F.3d 804, 810

(10th Cir. 2005). A bankruptcy court must consider the factors in 11 U.S.C. §330 and the twelve factors in **Johnson v. Georgia Highway Express, Inc.**, 488 F.2d 714 (5th Cir. 1974). **See In re Market Center East Retail Property**, 730 F.3d 1239, 1250 (10th Cir. 2013). Bankruptcy courts have wide discretion to determine the weight to give these factors. **In re Market Center East Retail Property**, 730 F.3d 1239, 1250 (10th Cir. 2013). Here, the factors related to the benefits to the bankruptcy estate and duplicative entries within the time entries attached to the application [Doc 45] are notable.

First, the debtor's attorney is asking for \$9,378.16 in fees, approximately eighty (80) percent of which he proposes to receive from the bankruptcy estate without any explanation as to how the services benefited the bankruptcy estate. It is only fair that when attorney fees are nearly entirely paid by the bankruptcy estate, the bankruptcy estate should receive some ascertainable benefit from the services provided. Second, there are duplicative time entries for preparing and filing an Amended Plan. [Doc 45, page 4]. Other time entries appear excessive, including spending hours reviewing emails which were less than a paragraph long. Considering these factors, the time entries and accompanying argument only support an award consistent with the presumptive "no look fee".

CONCLUSION

According to this Court's February 1, 2025, Chapter 13 guidelines on page three, an amount of \$4,000.00 is reasonable as a "no look fee", inclusive of any retainer. Therefore, Trejo requests this Court reduce Valdez's attorney fee award to the amount consistent with the presumptive "no look fee" applicable to typical Chapter 13 cases in the Western District of Oklahoma.

/s/ Cody D. Kerns

Cody D. Kerns, OBA #34697
Teague & Wetsel, PLLC
1741 West 33rd Street, Suite 120
Edmond, Oklahoma 73013
Telephone: (405) 285-9200
Telecopier: (405) 509-2362 (direct)
e-mail: ckerns@teaguwetsel.com
Attorneys for Creditor,
Humberto Trejo Dominguez

CERTIFICATE OF SERVICE

I certify that on February 13, 202 I electronically transmitted this document to the Court Clerk using the ECF System for filing. Based on the records currently on file, the Court Clerk will transmit a Notice of Electronic Filing to the following ECF registrants, including all parties listed on the attached mailing matrix prepared by the debtor:

See attached mailing matrix

John T. Hardeman
13trustee@chp13okc.com, trustee@chp13okc.com

United States Trustee
Ustpreion20.oc.ecf@usdoj.gov

Jeffrey E. West on behalf of Debtor Juan Pablo Valdez
jeff@westbklaw.com; lawwestj@gmail.com; enid@westbklaw.com;
west.jeffreyr@notify.bestcase.com; docs@westbklaw.com

Capital One Auto Finance, a division of Capital One, N.A.
ECFNotices@aisinfo.com

Oklahoma Tax Commission, Legal Division
bankruptcysecretary@tax.ok.gov

Oklahoma Employment Security Commission
bankruptcy@oesc.state.ok.us

Aspire Credit Card
Atlanticus@ebn.phinsolutions.com

AIS.cocard.ebn@aisinfo.com
Capital One

Citibank/The Home Depo
Citi.BNC.Correspondence@citi.com

BNC-ALLIANCE@QUANTUM3GROUP.COM
Comenity Capital/Acadmy

Destiny Card
GenesisFS@ebn.phinsolutions.com

Fnb Omaha
collecadminbankruptcy@fnni.com
First Fidelity Bank
BANKRUPTCY@FIRST-FIDELITY.COM

First Premier Bank
ais.fpc.ebn@aisinfo.com

Freedom Mortgage Corporation
Bankruptcy@Freedommortgage.com

FreedomPlus
bk@freedomfinancialnetwork.com

Genesis FS Card Services
GenesisFS@ebn.phinsolutions.com

IRS, Attn: Legal Division
sbse.cio.bnc.mail@irs.gov

Jefferson Capital Systems, LLC
JCAP_BNC_Notices@jcap.com

PenFed CU
bkrgeneric@penfed.org

Synchrony Bank/Care Credit
ais.sync.ebn@aisinfo.com

Synchrony Bank/HHGregg
ais.sync.ebn@aisinfo.com

Synchrony Bank/JCPenney
ais.sync.ebn@aisinfo.com

/s/ Cody D. Kerns

I certify that on February 13, 2025, I also served this document by first-class mail the following, who are not registered participants of the ECF system:

Attn: Capital One Auto Finance, a division of Capital One, N.A. Department
AIS Portfolio Services, LLC
Acct. XXXXXXXXXXX0082
4515 N. Santa Fe Ave. Dept. APS
Oklahoma City, OK 73138

Juan Pablo Valdez
9808 S. Hillcrest Drive,
Oklahoma City, OK 73159-7418

Crb/momnt
4 Concourse Parkway
Sandy Springs, Georgia 30328

Crconnauto
2725 S. Midwest Blvd.
Midwest City, OK 73110

Kruger Investment Company
105 N. Hudson Ste 200A
Oklahoma City OK 73102-4813

PNC Financial Services
Attn. Bankruptcy
300 Fifth Avenue The Tower at PNC Plaza
Pittsburgh, PA 15222

/s/ Cody D. Kerns

Label Matrix for local noticing
1087-5
Case 24-12446
Western District of Oklahoma
Oklahoma City
Mon Dec 30 15:48:56 CST 2024

Capital One Auto Finance, a division of Capi
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

USBC Western District of Oklahoma
215 Dean A. McGee
Oklahoma City, OK 73102-3426

Achieve Personal Loans
P.O.Box 2340
Phoenix, AZ 85002-2340

Aspire Credit Card
Attn: Bankruptcy
Po Box 105555
Atlanta GA 30348-5555

Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City UT 84130-0285

Capital One, N.A.
4515 N Santa Fe Ave
Oklahoma City, OK 73118-7901

Citibank N.A.
Citibank, N.A.
5800 S Corporate Pl
Sioux Falls, SD 57108-5027

Citibank/The Home Depot
Citicorp Cr Srvs/Centralized Bankruptcy
Po Box 790040
St Louis MO 63179-0040

Comenity Capital/Acadmy
Attn: Bankruptcy
Po Box 182125
Columbus OH 43218-2125

Crb/momnt
4 Concourse Parkway
Sandy Springs GA 30328-5397

Crconnauto
2725 S Midwest Blvd
Midwest City OK 73110-5830

Destiny Card
PO Box 23030
Columbus GA 31902-3030

First Electronic Bank
2150 S 1300 E #400
Salt Lake City UT 84106-4336

First Fidelity Bank
Attn: Bankruptcy
Po Box 32282
Oklahoma City OK 73123-0482

(p)FIRST NATIONAL BANK OF OMAHA
1620 DODGE ST
STOP CODE 3113
OMAHA NE 68102-1593

First Premier Bank
Attn: Bankruptcy
601 S Minneapolis Ave
Sioux Falls SD 57104

Freedom Mortgage Corporation
Attn: Bankruptcy
907 Pleasant Valley Ave, Ste 3
Mt Laurel NJ 08054-1210

Freedom Mortgage Corporation
Bankruptcy Department
11988 EXIT 5 PKWY BLDG 4
Fishers, IN 46037-7939

FreedomPlus
Attn: Bankruptcy
1875 South Grant St, Ste 400
San Mateo CA 94402-2676

Genesis FS Card Services
Attn: Bankruptcy
Po Box 4477
Beaverton OR 97076-4401

Huberto Trejo c/o Cody Kerns
1741 W 33rd St #120
Edmond OK 73013-3838

Humberto Trejo Dominguez
515 SW Grand Blvd
Oklahoma City OK 73109-6613

IRS
Attn: Legal Division
PO Box 7346
Philadelphia PA 19101-7346

(p)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

Jefferson Capital Systems, LLC
Attn: Bankruptcy
200 14th Ave E
Sartell MN 56377-4500

Kruger Investment Company
105 N Hudson Ste 200A
Oklahoma City OK 73102-4813

Minto Money
PO BOX 58112
Minto AK 99758-0112

Momnt Loan
4 Concourse Pkwy #150
Atlanta GA 30328-6197

PNC Financial Services
Attn: Bankruptcy
300 Fifth Avenue The Tower At Pnc Plaza
Pittsburgh PA 15222

PenFed CU
2930 Eisenhower Ave
Alexandria VA 22314-4557

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for
Comenity Capital Bank
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
Concora Credit Inc.
PO Box 788
Kirkland, WA 98083-0788

Resurgent Receivables, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Synchrony Bank/Care Credit
Attn: Bankruptcy
Po Box 965060
Orlando FL 32896-5060

Synchrony Bank/HHGregg
Attn: Bankruptcy
Po Box 965060
Orlando FL 32896-5060

Synchrony Bank/JCPenney
Attn: Bankruptcy
Po Box 965060
Orlando FL 32896-5060

Teague & Wetsel, PLLC
1741 W 33rd St #120
Edmond OK 73013-3838

United States Trustee
United States Trustee
215 Dean A. McGee Ave., 4th Floor
Oklahoma City, OK 73102-3479

(p)VIVE FINANCIAL LLC
ATTN BANKRUPTCY
P O BOX 708670
SANDY UT 84070-8639

Humberto Trejo Dominguez
Teague & Wetsel
1741 W. 33rd St.
120
Edmond, OK 73013-3838

(p)BANKRUPTCY LEGAL COUNSELING CENTER OF OKLA
2525 NW EXPRESSWAY STE 531
OKLAHOMA CITY OK 73112-7642

John T. Hardeman
John Hardeman, Chapter 13 Trustee
PO Box 1948
Oklahoma City, OK 73101-1948

Juan Pablo Valdez
9808 S Hillcrest Drive
Oklahoma City, OK 73159-7418

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

First National Bank of Omaha
1620 Dodge Street, Stop Code 3113
Omaha, Nebraska 68197

(d)Fnb Omaha
Attn: Bankruptcy
P.O. Box 3128
Omaha NE 68103

Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud MN 56302-9617

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

Vive Financial
P.O. Box 708670
Sandy, UT 84070

Jeffrey E. West
Debkillerok.com, Inc
2525 NW Expressway Ste 531
Oklahoma City, OK 73112

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)FREEDOM MORTGAGE CORPORATION

(d)Destiny Card
PO Box 23030
Columbus GA 31902-3030

End of Label Matrix
Mailable recipients 44
Bypassed recipients 2
Total 46